

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MAGTEN ASSET MANAGEMENT  
CORPORATION,

Plaintiff,

V.

MICHAEL J. HANSON and ERNIE J. KINDT,

Defendants.

C.A. No. 05-499-JJF

**MOTION *IN LIMINE* OF DEFENDANTS MICHAEL J. HANSON  
AND ERNIE J. KINDT TO EXCLUDE EVIDENCE RELATING TO INCREASED  
COST OF CAPITAL AND/OR EVIDENCE OF UNDERCAPITALIZATION**

Defendants Michael J. Hanson (“Hanson”) and Ernie J. Kindt (“Kindt”), by and through their counsel of record, hereby respectfully request this Court to Exclude Evidence Relating to Increased Cost of Capital and/or Evidence of Undercapitalization for the reasons more fully set forth in its Brief in Support of Motion in Limine to Exclude Evidence Relating to Increased Cost of Capital and/or Evidence of Undercapitalization filed contemporaneously herewith and expressly incorporated herein by reference.

Dated: January 31, 2008

EDWARDS ANGELL PALMER &amp; DODGE LLP

/s/ Denise Seastone Kraft  
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